



Abigail Bowen  
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May 26, 2010

*Via ECF and Facsimile to (973) 645-4412*

The Honorable Michael A. Shipp, U.S.M.J.  
The United States District Court  
for the District of New Jersey  
Martin Luther King, Jr. Federal Building &  
United States Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

Re: ***Reyes v. Keith Machinery Corp., et al.***  
Civil Action No.: 2:09-CV-5309  
Our File No.: 03057-000026

Dear Judge Shipp:

This firm represents defendant Keith Machinery Corp. ("KMC") in the above-referenced matter. We are writing to respectfully request a scheduling conference before Your Honor to revise the current Pretrial Scheduling Order ("Order"), dated February 9, 2010.

This product liability/negligence matter arises out of personal injuries allegedly sustained by plaintiff on September 27, 2007, while using a three roll mill during the course and scope of his employment with non-party Union Ink. As discussed during the initial scheduling conference, the manufacturer of the subject machine is no longer in business. On March 31, 2010, this court executed a Consent Order granting plaintiff leave to amend the Complaint to name Littleford Brothers, Inc., Littleford Day, Inc., LFB, Inc., and Makino, Inc., the successors-in-interest to the manufacturer, as defendants. However, despite repeated inquiries by our office, plaintiff's counsel never served the Amended Complaint. We were repeatedly advised by plaintiff's counsel that he was not familiar with federal procedure, which caused significant delays in moving forward with this matter. On May 18, 2010, plaintiff's counsel advised that he was transferring the file to a new firm and a Substitution of Counsel was filed. Incoming counsel for plaintiff immediately filed a Request for Summons to be issued to the above-referenced entities.

The current fact discovery deadline is August 9, 2010. To date, the parties have exchanged initial disclosures pursuant to Fed. R. Civ. P. 26 and KMC has received preliminary discovery from plaintiff's former counsel. However, at this point, KMC has not even received authorizations for plaintiff's medical records. We have conducted an initial inspection of the subject machine. Therefore, we respectfully request a conference before Your Honor in order to revise the current Order to accommodate the fact discovery, which must take place once the new parties are served and appear.

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We appreciate Your Honor's time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Abigail Bowen', with a long horizontal flourish extending to the right.

Abigail Bowen  
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Cc:

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